

**PLANNING AND ZONING COMMISSION
MINUTES
PUBLIC HEARING/GENERAL MEETING
January 25, 2011**

Place: Room 206, Town Hall

TIME: 8:00 P.M.

PLANNING & ZONING COMMISSION MEMBERS ATTENDING:

Cameron, Hutchison, Riccardo, Voigt

STAFF ATTENDING: Ginsberg, Keating

RECORDER: Syat

Channel 79

PUBLIC HEARING

Mrs. Cameron called the meeting to order and read the first agenda item:

Coastal Site Plan Review #261, Flood Damage Prevention Application #28-A, Land Filling & Regrading Application #2-A, Joseph & Kimberly Cesare, 144 Five Mile River Road.

Proposing to construct a single-family residence, garage, guest cottage, and swimming pool and to perform related site development activities within regulated areas. The subject property is on the south side of Five Mile River Road at its terminus, and is shown on Assessor's Map #67 as Lot #10 & #11, in the R-1/2 Zone.

Director of Planning, Jeremy Ginsberg, said that he had referred the plans to the Environmental Protection Commission, but had not yet had any comments regarding the proposed activities. He said that today there were two submissions to the file, one was the memo from the staff to Tom Ryder, who represents the applicant, and the second submission was a letter from the Department of Environmental Protection that was emailed to Mr. Ginsberg.

Pete Romano, Professional Engineer, explained that he was appearing in lieu of Mr. Ryder who could not attend. He said that the site is located on the south end of Five Mile River Road. The old house has been demolished. There is over an acre of dry land with the westerly side of the property being an open meadow. A boat house and dock remain on the site and they have a pending application for a Certificate of Permission with the Connecticut Department of Environmental Protection. The Five Mile River is adjacent to the northeast corner of the property and Butler's Creek is to the south and west of the site.

Mr. Romano explained that the proposed re-development will involve the construction of a new house with garages and a pool and a cottage/pool house. Some regrading is also proposed to accommodate the development activity. There will be selected pruning of the vegetation along the shore line. Mr. Romano explained that the stone retaining wall located near the southerly boundary line will be expanded vertically and horizontally. The house needs to be elevated to be above the 11 foot high expected flood level. The entire site is within the Coastal Area Management Zone, but all activities are outside of the critical coastal resources.

Comments from the Fire Marshal were discussed. Among other things, he is concerned about access to the cottage structure. Mr. Romano said the cottage will be sprinklered. Mr. Romano

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submitted a revised plan that reflects changes to the plan per the comments from the Fire Marshal. They include a turn-around of grass pavers on the north side of the north garage. This will allow a fire truck to turn around on the 20' x 20' pad. Per the DEP comments, the proposed retaining walls have been moved away from the water's edge and away from mean high water so that the proposed filling and regrading adjacent to those retaining walls will be farther from the coastal resources. He also said that the house has been slightly reduced in size.

Mr. Romano said that the proposed drainage is not to hold back or retain water, but rather is to improve water quality. He said a bio-filter is proposed to be constructed along the retaining walls. This will allow water to percolate down through the ground before it enters the adjacent creek. He said an infiltrator is proposed in the vicinity of the driveway. He noted that only 12% of the site would be covered by structures when 20% is allowed by the Regulations. He noted that more than one acre of land is located above the mean high water line and that is the figure that they used in calculation of building coverage. He said that there would be approximately 9,000 square feet of total impervious areas, including the house, cottage, boat house, driveway, decking and patio. The house will contain approximately 5,300 square feet of living space. Mr. Romano explained that an ejector pump will push sewage from the house site into the sanitary sewer located in Five Mile River Road. An emergency generator is proposed to make sure that the ejector pump will be able to work even if there is no power being provided to the house. He said that the guest house plans have been revised to make it clear that the guest house is now proposed as 19' x 19'. With respect to tree removal, Mr. Romano said that the dark green coloring on the map illustrates the trees along the shore line that are to remain, except for selective pruning. He said that many of the trees on the site are not shown on the plans due to the relatively small size of the tree trunks. He will have those additional trees marked on the site and on the plan.

Mr. Hutchison noted that the Department of Environmental Protection suggests elevating the house on pilings rather than performing the extensive filling and regrading that the current drawings show.

Mr. Romano said that their proposed retaining walls would be about three feet high and would be 25 feet or farther from mean high water. He said that the DEP is referring to these as flood control structures even though they are at or above elevation 8. He said that he does not agree with the DEP point-of-view and they do not seem to recognize the proposed house is a permitted use and that the building is coverage is only 12% of the lot area. He also noted that the drainage structures proposed on the plans are to cleanse the runoff before it is discharged into the coastal waters.

Andy Glazer explained that is the designer and proposed builder. He said that he and his clients recognize that this is a unique site and they have tried to design the development to be sensitive to the site conditions. He said that they have located the new house near the location of the old house and that they plan for a one-story little cottage to be built on the west side of the proposed swimming pool to allow for the enjoyment of the beautiful site and surroundings. Mr. Glazer referred to the elevation drawing of the east side of the courtyard. He said that blasting at an adjacent site was somewhat of a problem because of the restricted size of that parcel. He said that in this case, there is more room and there will be the need for some blasting for the proposed crawl space. He said that his design tries to keep down the overall roof line and to incorporate the second floor into the roof structure. He said that his design also tries to take advantage of the extraordinary views offered by the property. He said that the cottage structure will be made mostly of glass, and will have one bedroom and one bathroom. Instead of building a standard foundation, they will pin

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the foundation to the existing ledge. He said that the proposed driveway will be gravel and will not be paved. The terrace area around the house will remain as natural as possible. Mr. Glazer said that he has spoken with the neighbors regarding the proposed development. Mr. Hutchison concurred that the vistas from the property are quite breathtaking. Mr. Glazer said that about ½ dozen trees that have been beaten down by the weather and are badly broken and will need to be removed. Mr. Romano said that when the DEP reviews the latest plan that incorporates the revisions, they will see that it is better to have the house on the foundation rather than to have a 5,000 square foot house on 30 to 40 piers. In response to a request from the Commission, he said that he will submit additional copies of the more detailed drainage plan

Jim Kane, neighboring property owner, said that he was concerned about the retaining wall proposed along the common property line and he wants to have more time to review that proposed regrading in depth. Mrs. Cameron mentioned that the cedar tree on the Kane property might be impacted by the extensive regrading on the nearby Cesare property. Mr. Kane said that it would be a dramatic change of the ground elevation and he is concerned about that aspect of the project.

Mr. Todd Robbins of 7 Edgehill Drive said that he tried to review the 8½" x 11" plans that were made available to him, but they are illegible. He showed the Commission an aerial photograph of the area. He believes that the site will be overrun by tidal waters in a high, high tide condition and that the fill proposed adjacent to the retaining walls would be washed into the tidal marsh. He said that this is now one of the healthiest tidal marshes in the State, and any soil that gets washed into a marsh will smother some of the natural vegetation and natural resources. He said that a 5300 square foot house is significantly larger than the footprint of the previous house. He said that the Commission needs to see the site at a high, high tide condition to see the extent of land that will be inundated by flood waters.

Sally Knowlton-Keen said that there are many bird species in the vicinity, and many migratory birds use the site throughout the year. She was concerned about the impact that the proposed development would have on the wildlife.

Mr. Ginsberg read aloud the comments from South Western Regional Planning Agency indicating that they foresee no intermunicipal impacts due to the project, but were concerned about the overland flow of drainage. He referred to the DEP letter that had been received and forwarded to the applicant. Mr. Romano said that he would submit revised maps and additional drainage reports for the Commission's review.

The Commission felt that more discussion on this matter was appropriate, and therefore agreed to continue the Public Hearing at 8 p.m. in the Town Hall on February 15, 2011.

Mrs. Cameron read the following agenda item:

Coastal Site Plan Review #28-C, Land Filling & Regrading Application #251, Ray & Nadya Bakhramov, 19 Weeds Landing. Proposing to fill and regrade in the southwest corner of the property, raise existing related retaining wall, repair existing steps, and perform related site development activities within a regulated area. The subject property is located at the terminus of the Weeds Landing cul-de-sac, approximately 600 feet from the intersection of Boston Post Road and Weeds Landing, and is shown on Assessor's Map #53 as Lot #61-D, in the R-1/2 Zone.

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John Sweeney explained that he represents the applicant, and that the proposal is to raise the retaining wall on the southwest corner of the property, and then to fill a portion of the property on the upland side of that retaining wall. The purpose is to create more flat back yard to use for recreation purposes. The entire work area is within the Coastal Area Management zone because it is not far from Holly Pond. An application has been submitted to the Environmental Protection Commission. He said they approved it because they concluded that the work would have no impact on the natural resources. Mr. Sweeney said that he spoke with an official of the Department of Environmental Protection, and they have no concerns about the project.

In response to questions, Mr. Sweeney said that once the topsoil is put on top of the fill, they will create a turf grass surface. He said that the work is all above the expected flood level, and that flattening out the property would increase the amount of percolation because the water would not be flowing over the surface as quickly.

The Commission members reviewed the plans. There were no comments from the public.

The following motion was made: That the Commission close the Public Hearing regarding this matter. The motion was made by Mr. Voigt, seconded by Mrs. Riccardo and unanimously approved.

Mrs. Cameron read the following agenda item:

Land Filling & Regrading Application #253, Urs & Amy Baertschi, 26 Stephanie Lane. Proposing to fill and regrade in the back yard of the property, and perform related site activities. The subject property is located on the south side of Stephanie Lane, approximately 1,400 feet west of its intersection with Hollow Tree Ridge Road, and is shown on Assessor's Map #8 as Lot #58, in the R-1 Zone.

Greg Twardy represented the applicants and explained that the purpose is to slightly regrade the backyard to create more play yard for the children. He said that the previous owners had a different contractor remove some of the trees, but no more trees need to be removed.

Mr. Ginsberg explained that he has reviewed the plan with the staff of the Environmental Protection Commission. A concern of the EPC would be to make sure that a large anti-tracking pad is placed between the house and the wetland area. EPC staff concluded that a permit from EPC is not necessary.

Mrs. Cameron said that it would be appropriate to install a series of staked hay bales immediately adjacent to the anti-tracking pad to prevent the spread of any activity toward the wetland area. Mr. Twardy said that he would be glad to do that.

Mr. Ginsberg said that the drainage for the proposed regrading has been designed by Sam Northrup and there were some concerns expressed by the neighbors. Mr. Northrop said that most of the fill is to create a play area in the back yard, and that would make a flatter ground area that will allow for more infiltration of storm water. In addition, an infiltration structure will be installed to accommodate surface water with drains through the area. He said that he has checked, and the soil is permeable and will allow for percolation of runoff water.

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The Commission members reviewed and discussed the plans. There were no comments from the public regarding the application.

The following motion was made: That the Commission close the Public Hearing regarding this matter. The motion was made by Mr. Hutchison, seconded by Mrs. Riccardo and unanimously approved.

Mrs. Cameron read the following agenda item:

Land Filling & Regrading Application #252, Stephane & Maria Ines Bello, 21 Fox Hill Lane.

Proposing to fill and regrade on the north part of the property and construct an associated retaining wall, and perform related site development activities. The subject property is located on the north side of Fox Hill Lane, approximately 2,000 feet west of its intersection with Mansfield Avenue, and is shown on Assessor's Map #6 as Lot #114, in the R-1 Zone.

Lance Zimmerman, Project Architect, explained that the purpose of the application is to raise a part of the back yard to create some flat area for gardening and a patio/terrace area. To accommodate this, a retaining wall that will be four and a half feet tall at its highest point will be constructed. This will allow for the installation of approximately 160 cubic yards of fill. Mr. Zimmerman explained that the storm water retention system that was originally installed as part of the house construction was not installed in the area illustrated on the engineer's map. Instead, it was placed farther to the east. This will allow the installation of the proposed retaining wall without having any impact on the existing storm drainage system. He said that the flat ground of the new play area and patio will allow for more absorption of the water that would normally run down the slope. He said that behind the wall there will be a pipe to collect any excess surface water and route it to the storm water retention system rather than have it pass through a series of weep holes in the wall.

Mr. Zimmerman said that several trees along the north edge of the site were removed for other reasons. No additional trees need to be removed for the proposed filling and regrading operations.

There was some discussion about the possible installation of additional Cultec infiltrator units on the uphill side of the proposed retaining wall. This would allow for greater percolation of storm water runoff and would put less strain on the existing storm drainage system. Mr. Zimmerman said that if additional Cultec units were required or recommended by the Commission, then they will be installed.

There were no comments from the public regarding the application. The following motion was made: That the Commission close the Public Hearing regarding this matter. The motion was made by Mr. Hutchison, seconded by Mrs. Riccardo and unanimously approved.

Mrs. Cameron read the following agenda item:

Coastal Site Plan Review #243-A, Flood Damage Prevention Application #275-A, Hay Island Trust, 157-161 Long Neck Point Road. Proposing to construct a new timber pier, gangway and floating timber dock, as well as an access walkway, including a stepping stone pathway and an elevated pedestrian bridge/boardwalk, and perform related site development activities within

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regulated areas. The driveway for the subject property is located on the east side of Long Neck Point Road approximately 200 feet south of the southernmost intersection of Long Neck Point Road and Pear Tree Point Road. The subject property is shown on Assessor's Map #59 as Lot #12 and #12-A, within the R-1 (residential) Zone.

Devin Santa of RACE Engineering explained that a dock application had been approved by the Connecticut Department of Environmental Protection. The applicant is now seeking approval from the Planning and Zoning Commission for the landward activity that includes the installation of a pathway to the proposed pier. The pier would lead to a ramp, and the ramp would lead to a float in the water. This proposed pier to dock structure will provide access to water for recreational purposes, but also provides an emergency egress from the site in case a severe storm cuts off the causeway located on the westerly portion of the property. He said hand tools and manual labor would be used to install the pathway and the pier structure.

Mrs. Cameron expressed concern about the proper installation and maintenance of erosion controls during the construction process. Mr. Santa said that adequate protection provisions have been incorporated into the plans and will be utilized on the site. In response to other questions, he noted that the structure has been designed to survive severe storm conditions.

Commission members reviewed and discussed the application materials. There were no comments from the public regarding the application. The following motion was made: That the Commission close the public hearing regarding this matter. The motion was made by Mr. Voigt, seconded by Mrs. Riccardo and unanimously approved.

Mrs. Cameron read the following agenda item:

Coastal Site Plan Review #260, Flood Damage Prevention Application #297, Rosemary C. Roberto, 224 Long Neck Point Road. Proposing to install a dock and to replace existing concrete steps with new steps and perform related site development activities within regulated areas. The subject property is located on the west side of Long Neck Point Road, approximately 1850 feet south of its southernmost intersection with Pear Tree Point Road, and is shown on Assessor's Map #61 as Lot #15, in the R-1 Zone.

Mrs. Cameron said that she knows the Roberto family, but is not influenced by that fact. She will sit on this matter because she has no personal or financial conflict of interest.

Attorney Wilder Gleason represented the applicant and explained that the house is located near Long Neck Point Road and it has a large backyard that stretches down to the seawall. The plan is to remove the existing old, battered staircase from the seawall down to the cobblestone beach area and relocate it to an area next to the proposed pier structure. The area where the old stair will be removed will be repaired using the rock revetment.

Mr. Gleason explained that Connecticut Department of Environmental Protection approval has been obtained and will be adhered to during the construction process. He said that hand labor only will be used on the outside of the seawall. Some of the work to install the pilings for the pier will be done by barge. He submitted a Letter of Certification regarding the structural aspects of the proposed pier and dock.

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Devon Santa said that the Department of Environmental Protection does not want to see the use of solid or fill materials like concrete on the waterward side of the seawall. That is why they are using a stone revetment in the area where the old staircase is being removed. The old staircase must be removed because it has exposed steel structural members and old steps that are dangerous.

Mr. Ginsberg said that the matter was referred to the Connecticut D.E.P., but they did not send any comments. This is probably because D.E.P. and Army Corps of Engineers permits had already been obtained.

There were no comments from the public regarding the application. The following motion was made: That the Commission close the public hearing regarding this matter. The motion was made by Mrs. Riccardo, seconded by Mr. Voigt and unanimously approved.

Mrs. Cameron read the following agenda item:

GENERAL MEETING

Mandatory Referral #1-2011, Board of Selectmen, 8 Midbrook Lane.

Request for granting of easement on a Town right-of-way to 8 Midbrook Lane property owner to accommodate an existing private well. *DEADLINE TO ISSUE REPORT: 2/10/2011.*

Commission members reviewed the draft Report. Slight clarifications and modifications were made to the draft. The following motion was made: That the Commission adopt and approve the following revised Report. The motion was made by Mr. Hutchison and seconded by Mr. Voigt. All voted in favor except Mrs. Cameron who abstained because she had not been able to attend the previous meeting. The motion passed by a vote of 3 to 0 to 1.

**DARIEN PLANNING AND ZONING COMMISSION
C.G.S. SECTION 8-24 MANDATORY REFERRAL REPORT
EASEMENT FOR 8 MIDBROOK LANE
JANUARY 25, 2011**

Mandatory Referral #1-2011, Board of Selectmen, 8 Midbrook Lane.

Request for granting of easement on a Town right-of-way to 8 Midbrook Lane property owner to accommodate an existing private well.

At its January 11, 2011 meeting, the Darien Planning and Zoning Commission reviewed the following information relative to the aforementioned report request:

- 1) Cover memo dated January 6, 2011 from Karl Kilduff to Jeremy Ginsberg requesting the CGS 8-24 referral report;
- 2) Property Survey prepared for Fidelity National Title Insurance Co. For Lot #11 Tax Map #6, #8 Midbrook Lane by Kevin T. Ewald, LLC Land Surveyor, scale 1"=20', and dated April 19, 2010;

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- 3) Letter dated December 9, 2010 from Amy Zabetakis, who represents the former owners of 8 Midbrook Lane; and a
- 4) Draft Declaration and Grant of Easement.

It was noted that in 1977, the owner of the property at 8 Midbrook Lane installed an underground well, providing water to the house. It was recently discovered that the well had been installed within the Town's street right-of-way. It is located 6.9+/- feet from the 8 Midbrook Lane front property line, and 15+/- feet away from the paved portion of the street, and is within the Town's right-of-way (and therefore on Town property). The property owner has requested an easement from the Town to allow the well to be maintained within the right-of-way (Town property).

In the letter from attorney Zabetakis, two specific facts were stated that are integral to this decision. The first is that according to the Health Department records, the well was placed in this location in 1977 per all applicable permits. The second fact is that the well in the Town right-of-way has not caused any problems for either the Town or the property owner in the past 33+ years.

This is an unusual situation with specific, unique facts to it. This would differentiate it from other impediments which have been placed within Town rights-of-way. The Commission believes it would be consistent with the Town Plan and town policies to allow the well to remain with specific wording in the proposed Declaration and Grant of Easement to be filed in the Land Records. The Commission recommends that the Declaration and Grant of Easement include provisions for the following:

- It should note that the well was properly permitted by the Darien Health Department and installed in 1977.
- Makes it clear that the property owners have the right to continue to use, and to perform any needed maintenance on the underground well, but if the well must be replaced, the new well shall be on the 8 Midbrook Lane private property and the existing well shall be properly abandoned;
- A hold harmless agreement indemnifying the Town;
- The fact that the easement runs with the land and inures to the benefit of the Grantees or their heirs, executors, administrators or assigns;
- The Agreement shall terminate automatically upon such time as the Grantees or their heirs, executors, administrators or assigns choose to stop using the existing well or at such time public water service is available to their 8 Midbrook Lane property.

Town Counsel shall continue to work with representatives of 8 Midbrook Lane on appropriate language in any documents to be filed in the Darien Land Records.

Mrs. Cameron read the following agenda item:

Discussion, deliberation and possible decision regarding the following items:

Land Filling & Regrading Application #250, Michael & Caterina Pond, 8 McLaren Road.
Proposing to construct an extension of the existing driveway, with associated filling and regrading and retaining wall, and perform related site development activities. *PUBLIC HEARING CLOSED ON 1/11/2011. DECISION DEADLINE: 3/17/2011.*

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Commission members discussed the draft Resolution. In the discussion, there was a question about whether a Performance Bond should be required. It was noted that the Public Works Department has a Performance Bond for the work within the Town's right-of-way. Commission members agreed that it was appropriate to waive the Performance Bond in this case. Slight modifications and clarifications were made to the draft Resolution.

The following motion was made: That the Commission adopt the following revised Resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mrs. Riccardo and seconded by Mr. Voigt. All voted in favor except Mrs. Cameron who had not attended the previous meeting. The Resolution was adopted by a vote of 3 to 0 to 1.

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
January 25, 2011**

Application Number: Land Filling & Regrading Application #250

Street Address: 8 McLaren Road
Assessor's Map #17 Lot #44

Name and Address of Applicant & Property Owner: Michael & Caterina Pond
8 McLaren Road
Darien, CT 06820

Name and Address of Applicant's Representative: Dan Mazabras
Odd Job Company
25-13 Old King's Highway North
Darien, CT 06820

Activity Being Applied For: Proposing to construct an extension of the existing driveway, with associated filling and regrading and retaining wall, and perform related site development activities.

Property Location: The subject property is located on the south side of McLaren Road, approximately 75 feet north of its southernmost intersection with McLaren Road South.

Zone: R-1/2

Date of Public Hearing: January 11, 2011

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
Dates: December 31, 2010 and January 7, 2011 Newspaper: Darien News

Date of Action: January 25, 2011 Action: APPROVED WITH CONDITIONS

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Scheduled Date of Publication of Action:
February 4, 2011

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed activities are described in detail in the application, the submitted plan, and the statements of the applicant's representative whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is to construct an extension of the existing driveway, with associated filling and regrading and retaining wall, and perform related site development activities. The application will create a new curb cut on McLaren Road, allowing the property owner to have a second egress, and reducing the likelihood that vehicles will back out of the driveway onto McLaren Road. The amount of new impervious surface is less than 1,000 square feet.
2. At the public hearing, the applicant's representative, explained the proposed stormwater management system. He noted that an underground infiltrator is proposed.
3. The Commission notes with respect to the proposed drainage system, the need for the property owner to file a Notice of Drainage Maintenance Plan outlining the protocol for maintenance of the proposed and installed drainage system in the Darien Land Records. This will alert future property owners of the existing on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts.
4. The application has been reviewed by the Commission and is in general compliance with the intent and purposes of Section 1000.
5. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Land Filling and Regrading Application #250 is hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. Land filling and regrading work shall be in accordance with the following plan submitted to and reviewed by the Commission:

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- Conceptual Plan, Eight McLaren Road, scale 1"=4'0".
 - 8 McLaren Rd, Darien by Roccie's Asphalt Paving, showing proposed infiltrator data and location.
- B. Because of the scope, nature and amount of work proposed within the application, the Commission hereby waives the requirement for a more detailed stormwater management plan per Section 888a(3) of the Darien Zoning Regulations. The submitted infiltrator plan suffices in this specific instance.
- C. A final, written certification is hereby required to be submitted by October 20, 2011, certifying that all of the regrading and on site stormwater infiltrator have been installed in compliance with the approved plans.
- D. Because of the limited scope of the work outlined within the application, the Commission hereby waives the requirement for a Performance Bond.
- E. By March 25, 2011 (within the next 60 days) and prior to the start of any filling or regrading work, a Drainage Maintenance Plan shall be submitted to the Planning and Zoning Office for review and action by the Director of Public Works and the Planning and Zoning Director. After approval by the two Directors, it shall be filed in the Planning & Zoning Department. The Drainage Maintenance Plan shall require the property owner and all subsequent property owners of 8 McLaren Road to maintain the on-site drainage facilities, and will alert future property owners of the on-site drainage facilities and the need to maintain said facilities to minimize any potential downhill impacts. A Notice of Drainage Maintenance Plan shall be filed in the Darien Land Records within 60 days of this approval.
- F. During the site work, the property owner shall utilize any additional measures as may be necessary due to site conditions, including tree protection as may be necessary. Those sediment and erosion controls shall be installed to minimize any adverse impacts during the filling and regrading and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans, and as needed by site conditions. All erosion control measures must be maintained until the disturbed areas are stabilized.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- H. The granting of this approval does not relieve the property owner of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. A required street opening permit from the Darien Public Works Department has already been obtained.
- I. This permit shall be subject to the provisions of Sections 858 and 1009 of the Darien Zoning Regulations, including but not limited to, implementation and completion of the approved plan

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within one (1) year of this action (January 25, 2012). This may be extended as per Sections 858 and 1009.

All provisions and details of the application shall be binding conditions of this action and such approval shall become final upon the signing of the final documents by the Chairman. A Special Permit form and Notice of Drainage Maintenance Plan both shall be filed in the Darien Land Records within 60 days of this action and prior to any filling or regrading work, or this approval shall become null and void.

Mrs. Cameron read the following agenda item:

Coastal Site Plan Review #201-A, Joan Barksdale, 27 Tokeneke Trail. Proposing to construct an addition to the existing residence and perform related site development activities within a regulated area. *PUBLIC HEARING CLOSED ON 1/11/2011. DECISION DEADLINE: 3/17/2011.*

The Commission members discussed the draft Resolution. The following motion was made: That the Commission adopt the Resolution to approve the project subject to the conditions and stipulations as noted. The motion was made by Mr. Hutchison and seconded by Mrs. Riccardo. All voted in favor except Mrs. Cameron who had not been able to attend the previous meeting. The motion passed by a vote of 3 to 0 to 1.

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
January 25, 2011**

Application Number: Coastal Site Plan Review #201-A

Street Address: 27 Tokeneke Trail
Assessor's Map #69 Lot #40

Name and Address of Property Owner:	Joan Barksdale 27 Tokeneke Trail Darien, CT 06820
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Name and Address of Applicant & Applicant's Representative:	Sean O'Kane, AIA 412 Main Street #8 Ridgefield, CT 06877
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Activity Being Applied For: Proposing to construct an addition to the existing residence and perform related site development activities within a regulated area.

Property Location: The subject property is on the south side of Tokeneke Trail approximately 1,500 feet southwest of its intersection with Runkenhage Road.

Zone: R-1

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Date of Public Hearing: January 11, 2011

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: December 31, 2010

January 7, 2011

Newspaper: Darien News

Date of Action: January 25, 2011

Action: GRANTED WITH STIPULATIONS

Scheduled Date of Publication of Action:

February 4, 2011

Newspaper: Darien News

The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 400 and 810 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject application is to construct an addition to the existing residence and perform related site development activities within a regulated area. The proposed addition, which is to be a conservatory, is on top of an existing foundation and an existing brick terrace. It is approximately 180 square feet in size and one story. There is no earth moving, regrading, or excavation as part of this proposal.
2. At the public hearing, the applicant's representative noted that this project has been reviewed and approved by the Darien Health Department.
3. The Commission finds that the proposed development, if properly implemented and protected, is not contrary to the goals, objectives and policies of the Coastal Area Management Program.
4. The proposed activities' potential adverse impacts on coastal resources, as modified within this resolution, are acceptable.
5. The proposed activities, as modified within this resolution, are consistent with the goals and policies in Section 22a-92 of the Connecticut General Statutes. The conditions as outlined

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herein include all reasonable measures which would mitigate any adverse impacts by the proposed activity on coastal resources.

NOW THEREFORE BE IT RESOLVED that Coastal Site Plan Review #201-A is hereby granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction of the conservatory addition shall be in accordance with the following plans submitted to and reviewed by the Commission, entitled:
 - Barksdale Conservatory, 27 Tokeneke Trail, Darien, CT by Sean O’Kane, AIA, dated 12/1/10. Sheets 1-5.
- B. Because of the location of the property directly adjacent to Scott’s Cove, and the fact that the conservatory is proposed atop an existing brick terrace, the Commission hereby waives the requirement for stormwater management under Section 880 of the Darien Zoning Regulations.
- C. During the implementation of this project, the applicant shall utilize the sediment and erosion control measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.
- D. Upon completion of the work, and no later than January 25, 2012, the applicant shall provide written verification and photographs documenting the completion of the project and compliance with the approved plans.
- E. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- F. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. Approval from the Darien Health Department has been obtained for this work. The applicant needs a Zoning Permit and Building Permit to proceed.
- G. This permit shall be subject to the provisions of Section 815 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one year of this action (January 25, 2012). This may be extended as per Section 815.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

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Mrs. Cameron read the following agenda item:

Flood Damage Prevention Application #296, Raoul & Ingeborg Tschbull, 8 Silver Lakes Drive. Proposing to construct a 6' x 7' elevator shaft addition to the existing residence and perform related site development activities within a regulated area. *PUBLIC HEARING CLOSED ON 1/11/2011. DECISION DEADLINE: 3/17/2011.*

Commission members discussed the draft Resolution. The following motion was made: That the Commission adopt the following Resolution to approve the project with the conditions and stipulations as noted. The motion was made by Mrs. Riccardo and seconded by Mr. Voigt. All voted in favor except Mrs. Cameron who had not been able to attend the previous meeting. The motion passed by a vote of 3 to 0 to 1.

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
January 25, 2011**

Application Number: Flood Damage Prevention Application #296

Street Address: 8 Silver Lakes Drive
Assessor's Map #37 Lot #14

Name and Address of Applicant and Property Owners:	Raoul & Ingeborg Tschbull 8 Silver Lakes Drive Darien, CT 06820
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Activity Being Applied For: Proposing to construct a 6' x 7' elevator shaft addition to the existing residence and perform related site development activities within a regulated area.

Property Location: The subject property is on the east side of Silver Lakes Drive approximately 450 feet north of its intersection with Tokeneke Road.

Zone: R-1/2

Date of Public Hearing: January 11, 2011

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices
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The Commission has conducted its review and findings on the bases that:

- the proposed use and activities must comply with all provisions of Sections 406 and 820 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted development plan, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. This application is to construct a 6' x 7' elevator shaft addition to the existing residence and perform related site development activities within a regulated area. The applicant submitted a letter from architect Roger Bartels certifying that the project complies with the flood regulations.
2. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.

NOW THEREFORE BE IT RESOLVED that Flood Damage Prevention Application #296 is hereby modified and granted subject to the foregoing and following stipulations, modifications and understandings:

- A. Construction shall be in accordance with the plans entitled:
 - Zoning Location Survey 8 Silver Lakes Drive prepared for Raoul Tschbull Ingeborg Tschbull, by William W. Seymour & Associates, dated November 22, 2010.
- B. Accompanying the Zoning and Building Permit applications and prior to commencing construction, a certification shall be submitted from a licensed architect or engineer that verifies that the final design complies with the applicable flood damage prevention requirements.
- C. The Commission finds under Section 888a(3) of the Darien Zoning Regulations, the requirement for stormwater management is hereby waived due to the amount of work proposed within the application. The applicant is proposing a 6'x 7' elevator addition—a total of 42 square feet.
- D. During construction, the applicant shall utilize sediment and erosion controls as may be necessary due to site conditions. These sediment and erosion controls shall be installed and

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maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. The Planning and Zoning Department shall be notified prior to commencement of work and after the sedimentation and erosion controls are in place. The staff will inspect the erosion controls to make sure that they are sufficient and are as per the approved plans. All erosion control measures must be maintained until the disturbed areas are stabilized.

- E. Once the construction work is complete and prior to the issuance of a Certificate of Occupancy, the applicant shall submit verification from the project engineer or architect that all aspects of the building construction have been completed in compliance with the approved plans and the flood damage prevention regulations. A final "as-built" survey is hereby required to verify that the final work is in compliance with the approved plans and the Flood Damage Prevention Regulations.
- F. The granting of this Permit does not relieve the applicant of responsibility of complying with all applicable rules, regulations, and codes of other Town, State, or other regulating agencies. This includes the requirement for a Zoning Permit and Building Permit. A State of Connecticut elevator inspection will be required.
- G. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- H. This permit shall be subject to the provisions of Section 829f of the Darien Zoning Regulations, including but not limited to, submission of certification that the work has been completed in conformance with the permit. The Commission hereby requires implementation of the approved plan within one year of this action (January 25, 2012). This may be extended as per Section 829f.

All provisions and details of the plans shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman.

Approval of Minutes

Mrs. Cameron read the following agenda item:

December 15, 2010 Special Meeting--Executive Session/General Meeting

Commission members agreed that the Minutes were acceptable. The following motion was made: That the Commission adopt the Minutes as presented. The motion was made by Mrs. Cameron and seconded by Mrs. Riccardo. All voted in favor except Mr. Hutchison who abstained because he had not attended that meeting. The Minutes were adopted by a vote of 3 to 0 to 1.

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Mrs. Cameron read the following agenda item:

January 11, 2011 Public Hearing/General Meeting

The following motion was made: That the Commission adopt the Minutes as presented. The motion was made by Mr. Hutchison and seconded by Mr. Voigt. All voted in favor except Mrs. Cameron who abstained because she had not attended that meeting. The Minutes were adopted by a vote of 3 to 0 to 1.

There being no further business, the following motion was made: That the Commission adjourn the Meeting at 9:50 P.M. The motion was made by Mrs. Riccardo, seconded by Mr. Voigt and unanimously approved.

The Meeting was adjourned at 9:50 P.M.

Respectfully Submitted,

David J. Keating
Assistant Planning & Zoning Director

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